

Mr. MACK. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RAID IN MIAMI

Mr. MACK. Mr. President, in the early morning hours of Holy Saturday, a little piece of America died. America's shining beacon of freedom faded in the Florida sky as many of us grieved over the astounding actions of the United States Government. This administration betrayed America's past and joined history's inglorious list of governments that have chosen to use excessive force against its own law-abiding citizens.

Our founding fathers believed in a Government of, for, and by, the people, a Government designed to serve and benefit the people, not to serve and benefit the needs of Government, and certainly not to substitute brute force for the rule of law. These are reminiscent of the tactics used by tyrants and despots. The decisions by this administration that led to the events of last Saturday will be remembered as a day of shame in our American history.

My comments today are not directed toward the law enforcement officers who carried out the operation; I understand they are charged with a duty and must follow the directives of the Attorney General and the President of the United States. My comments today are not directed at the ultimate disposition of Elian's residency or custody, and they are not intended to be partisan or political, but they do go directly to the heart of who we are as a Nation and what we expect of our Government.

As most people know, the Elian Gonzalez matter is pending in Federal court. Just last Wednesday, the Eleventh Circuit Court of Appeals ordered that Elian Gonzalez must remain in the United States during the review of his Federal court case. The opinion of the court suggests the INS and the Department of Justice were wrong in not granting Elian an asylum hearing. In the final footnote of the opinion, the court encouraged the parties to avail themselves voluntarily of the Eleventh Circuit's mediation services. The court believed that mediation was an appropriate avenue to resolve this heart gripping situation.

The Attorney General did not listen to the court. She was obsessed with reuniting Elian with his father at any cost. Perhaps she would have been wise to listen to the words of Daniel Webster: "Liberty exists in proportion to wholesome restraint." Perhaps she should have listened to her own words: "I'm trying to work through an extraordinary human tragedy. And the importance of working through it is that we do so in good faith, without violence, without having to cause further disruption to the little boy." This statement was made nine days before the raid.

The night before the raid, mediation between the Department of Justice, the Miami family and Juan Miguel Gonzalez had gone on all night and into the wee hours of Saturday morning. Even as the negotiations continued on the telephone with all parties, agents of the administration dressed in fatigues and masks exploded into the home of Lazaro Gonzalez with machine guns drawn—and one machine gun that was pointed dramatically in the face of a screaming child.

The Government held all the power, and the Government used intimidation to force a family, a loving caring family, into a corner. Remember this is the family originally selected by the Attorney General to care for Elian.

The administration offered ultimatums when fair mediation was needed. This administration resorted to the power of a machine gun to intimidate an American family. What possible benefit could come from this act?

Tactics such as these deserve a full explanation. Why would the Department of Justice stage a raid when mediator Aaron Podhurst stated that a deal between the parties was "minutes to an hour away"? Why would they be so impatient with a solution so near? The Attorney General said that they had a window during which to conduct the raid of Saturday through Monday. Why could they not have waited for negotiations to play out.

What credible information existed to suggest this level of force needed to be used?

Another question that deserves fuller explanation speaks to the impact of the raid on the boy. Wouldn't any psychologist or psychiatrist who actually examined the child say this action would further traumatize the boy? But sadly, the INS team of experts never did examine the boy to make an informed evaluation.

How could such tactics possibly be in the best interests of a child who has suffered so much? What right did this administration have to add this trauma to the terrible loss Elian has already suffered? And why did he have to suffer at the hands of the people who are supposed to defend the rule of law, the INS, the DoJ, and the President of the United States.

Let's think for a moment about the decision the father and the Justice Department made in putting Elian's life at risk with the plans for the pre-dawn raid. I have never questioned the father's love for the boy, but I cannot imagine any father would choose to put his son's life at risk a second time. But it is not an unloving father who put his son in harm's way—the father is as much a victim as Elian in many ways. The father had a simple choice: travel to a safe house in Miami and have Elian voluntarily transferred into his custody or insist on remaining in Washington and have the U.S. government seize his son in a violent, dangerous raid. Just as it wasn't the father's decision not to come to his boy's

side for the first four months of this ordeal, it was not his decision to remain in Washington, forcing a raid at gunpoint. Castro would not allow the father to travel then and he would not allow him to travel last weekend.

President Clinton promised my colleague Senator GRAHAM that Elian would not be seized in the middle of the night, and now we must ask again, why did he promise one thing and yet do another?

Elian deserves access to all of his legal options, Elian deserves an asylum hearing, and he deserves the protection of U.S. law. Yet that is for another day. The use of force must be dealt with today. Does the end justify the means? Will these means ever be justified?

There have been accusations of playing politics with this issue.

But perhaps we ought to recognize what several of the Attorney General's long-time supporters have said. The four mediators from Miami that were involved in the negotiations with Janet Reno have clearly challenged the administration's characterization of the events of last Saturday. They said they were close to an agreement and felt confident a peaceful solution could have been reached.

We cannot simply sweep these issues away and dispense of them in the name of politics. This is a long, sad story and I'm sure many would wish it would simply fade away. But if we accept and commend the actions of our government for acting hastily in choosing excessive force over peaceful mediation, we have traveled down a very troubling road. We dare not condone such use of force to settle legal disputes. This strikes at the very heart of the balance of power and the integrity of our judicial process.

This child and no child should face the intimidation and trauma of an automatic weapon in his face—especially when perpetrated by the American government—a government that has always stood for freedom and human rights throughout the world. As a father and grandfather, I am heartbroken for the frightened, vulnerable child in that photograph. My hope is that no other administration official utter the words, "I am proud of what we did" and instead express regret and sorrow for the trauma and pain suffered by the entire Gonzalez family.

What happened saddens me as an American, a father, and a Senator. Mr. President, last Saturday morning, a little bit of America died in that raid and I hope we never again dim the light of freedom for those who look to us for hope. I yield the floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.